REMARKS

Claims 11, 12, 21 to 23, 26, and 37 to 40 were pending in the present application when last examined. Applicant has amended claims 11, 12, 22, 23, 26, and 39, canceled claims 37 and 38, and added claim 41. Claims 11, 12, 21 to 23, 26, and 39 to 41 are now pending.

Claim Rejections

The Examiner rejected claims 11, 23, 26, and 39 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent App. Pub. No. 2002/0004246 ("Daniels et al."). The Examiner rejected claims 12, 21, 22, 37, and 38 under 35 U.S.C. § 103(a) as being unpatentable over Daniels et al. in view of U.S. Patent No. 6,217,744 ("Crosby').

Applicant has amended claim 1, which now recites:

11. A rapid diagnostic test system, comprising:

a single-use module, comprising:

a medium containing a labeling substance that comprises first persistent fluorescent structures that emit light having a first frequency and second persistent fluorescent structures that emit light having a second frequency, wherein each of the first persistent fluorescent structures is attached to a substance capable of binding the first persistent fluorescent structure to a target analyte when a sample containing the target analyte is applied to the medium;

a light source positioned to illuminate a target area and a control area on the medium;

a first photodetector positioned to measure light of the first frequency originating from the target area of the medium; ~~and~~

a second photodetector positioned to measure light of the second frequency originating from the control area, wherein a signal from the second photodetector indicating an intensity above a threshold level indicates that the sample has passed through the target area; and

an external terminal receiving electrical power for the light source, the first photodetector, and the second photodetector; and

a reusable module having a receptacle into which the external terminal of the single-use module can be inserted for providing the electrical power from the reusable module to the single-use module and communicating test signals between the single-use module and the reusable module.

Amended claim 11 (emphasis added).

Amended claim 11 recites a single-use module that does not use an internal battery to power internal components including a light source and two photodetectors. Instead, the single-use module has an external terminal that connects to a reusable module to receive electrical power for the light source and the photodetectors. An advantage of such a system is that the single-use module can be made without an internal battery to reduce the cost of the system by using electrical power supplied to the single-use module by the reusable module. Such a test system is not disclosed by either Daniel et al. or Crosby. Thus, amended claim 11 is patentable over the combination of Daniel et al. and Crosby.

Claims 11, 12, 21 to 23, 26, and 39 to 40 depend from amended claim 11 and they are patentable for at least the same reasons as amended claim 11.

Applicant has canceled claims 37 and 38, thereby rendering their rejections moot.

New Claim

New claim 41 depends from amended claim 11 and it is patentable for at least the same reasons as amended claim 11.

Summary

In summary, claims 11, 12, 21 to 23, 26, and 37 to 40 were pending in the present application. Applicant has amended claims 11, 12, 22, 23, 26, and 39, canceled claims 37 and 38, and added claim 41. For the above reasons, Applicant respectfully requests the Examiner to withdraw the claim rejections and allow claims 11, 12, 21 to 23, 26, and 39 to 41. Should the Examiner have any questions, please call the undersigned at (408) 382-0480x206.

I hereby certify that this correspondence is being transmitted prior to expiration of the set period of time by being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4).

/David C Hsia/ April 4, 2007
Signature Date

Respectfully submitted,

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